

Remarks

Claims 1-20 are pending in the application, and stand finally rejected.

Claims 1-4, 6-9, 11-17 were rejected under 35 USC 103(a) as being unpatentable over Georgiou et al. ("Georgiou") (US 5,940,785) in view of McDermott et al. (US 6,192,479) ("McDermott"). The Applicant respectfully traverses, for at least the reason that Georgiou and McDermott do not suggest a performance demanding level input to determine a rate of temperature-related frequency reduction, as recited in each of independent claims 1, 7 and 12.

The Examiner acknowledges that Georgiou does not suggest a performance demanding level input to determine a rate of frequency reduction. McDermott is cited as supplying the teaching absent from Georgiou. In particular, the Examiner cites to McDermott at col. 4, lines 66 to col. 5, line 24, col. 6, lines 51-64, and col. 8, line 45 to col. 9, line 13 as disclosing "a performance demanding level input [lvl1, 2] to determine a rate of the frequency reduction."

The Applicant respectfully disagrees with the Examiner's characterization of the LVL1, LVL2 signals of McDermott as performance demanding level inputs. In fact, the very passages of McDermott cited by the Examiner are countervailing, indicating that the LVL1, LVL2 signals have nothing to with a performance demanding level. See, for example, col. 5, lines 17-24:

"For purposes of this example, line FUP indicates that the frequency of the output clock signal is to increase, line FDN indicates that the frequency of the output clock signal is to decrease, and lines LVL2, LVL 1 control the rate of change of the frequency *according to the degree to which the input and reference clock signals are synchronized with one another.*" (Emphasis added.)

See also, for example, col. 6, lines 51 -61:

“Phase comparator 14 according to the preferred embodiment of the invention further includes circuitry for presenting level signals to current source 16 on lines LVL2, LVL1 corresponding to the number of pump-up/pump-down cycles generated by phase comparator 14, and thus *the number of overshoot/undershoot cycles of the output clock signal frequency relative to the input clock frequency*. These level signals on line LVL2, LVL1 reduce the rate at which VCO 20 is to change its output frequency with the occurrence of pump-up/pump-down cycles. As a result, according to the present invention, the output clock frequency converges to the input clock frequency with each pump-up/pump-down cycle.” (Emphasis added.)

In view of the above, the LVL1 and LVL2 signals in McDermott clearly relate only to the synchronization of two clocks, and are completely unconnected with a performance demanding level, temperature-related or otherwise. Accordingly, independent claims 1, 7 and 12 are allowable over Georgiou and McDermott. Moreover, dependent claims 2-4, 6, 8, 9, 11 and 13-17 are likewise allowable over Georgiou and McDermott for at least the reason that they include the features of one of the independent claims by dependency thereon. Withdrawal of the rejection of claims 1-4, 6-9, 11-17 as being unpatentable over Georgiou in view of McDermott is therefore respectfully requested.

Claims 5 and 10 were rejected under 35 USC 103(a) as being unpatentable over Georgiou and McDermott as applied to claims 1 and 7, and further in view of Ko (US 6,192,479). Claims 5 and 10 depend on independent claims 1 and 7, respectively. Accordingly, claims 5 and 10 are allowable over Georgiou and McDermott for at least the reason that they include the recitations of these respective independent claims. Ko does not cure the deficiencies in Georgiou and McDermott with respect to the independent claims, and thus claims 5 and 10 are similarly allowable over the combination of Georgiou,

McDermott and Ko. Withdrawal of the rejection of claims 5 and 10 is therefore respectfully requested.

Claims 18-20 were rejected under 35 USC 103(a) as being unpatentable over Ko in view of Georgiou and McDermott. This rejection is respectfully traversed. Along lines discussed above, Ko, Georgiou and McDermott are silent with regard to a performance demanding level input as recited in Independent claim 18, and as included in claims 19 and 20 by dependence on claim 18. Withdrawal of the rejection of claims 18-20 as being unpatentable over Ko in view of Georgiou and McDermott is therefore respectfully requested.

Conclusion

In light of the above, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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